

REMARKS

Claim Status

Claims 1, 15 and 19-27 are pending. Claims 1, 15 and 19-23 stand rejected, and Claims 24-27 were previously withdrawn. Claims 2-14 and 16-18 were previously canceled. Claims 1, 21 and 22 are amended.

Response to Written Description Rejection

Claims 1, 15, 19 and 20 are rejected under 35 USC § 112, ¶ 1, on written description grounds. The rejection states that "there is no antecedent basis in the specification... for R being alkylaryl or alkylhetaryl."

Applicants submit that Claim 1 as amended obviates the rejection. Claim 1 is amended to delete the terms "alkylaryl" and "alkylhetaryl" from the definition of R in Claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

Response to Definiteness Rejection

Claims 1, 15 and 19-23 are rejected under 35 USC § 112, ¶ 2. The rejection states that "[t]he claims are indefinite because the proviso in claim 1 excludes certain R³ when -Y-Z represents -C(NH)-(CH₂)_mNR-. However, -Y-Z- is cannot be -C(NH)-(CH₂)_mNR-." Furthermore, the Office Action states that in Claims 21 and 22, the phrase "the group consisting of" should be inserted after "from" and an "and" should be inserted between the last two compounds listed.

Applicants submit that Claim 1 as amended, obviates the rejection. Specifically, Claim 1 is amended to delete the term "-C(NH)-(CH₂)_mNR-" from the proviso of Claim 1. Furthermore, Applicants submit that Claims 21 and 22 as amended obviate the rejection. Namely, Claims 21 and 22 are amended to insert the phrase "the group consisting of" after "from" in the preamble. Furthermore, Claims 21 and 22 are amended to insert the term "and" between the last two compounds recited. Reconsideration and withdrawal of the rejection are respectfully requested.

Response to Anticipation Rejection

Claims 1, 15, 19 and 20 are rejected under 35 USC § 102(a) over CA 2465382 to Nakamura et al. ("NAKAMURA"). The rejection states that NAKAMURA discloses the claimed invention, wherein the compound corresponds to Formula I where Z is a bond, and R³ is C₁-alkylaryl. Applicants respectfully traverse the rejection.

Applicants respectfully submit that the rejection does not consider the definition of R^3 in Claim 1, which appears to exclude NAKAMURA. In Claim 1, when R^3 is $C_{1-4}alkylaryl$ then any of the rings can be optionally substituted with 1-3 substituents. However, Examples 5-15 to 5-19 of NAKAMURA all require the alkyl portion of $C_{1-4}alkylaryl$ to be substituted, which is not claimed herein. For instance, with Example 5-16 the alkyl portion of $C_{1-4}alkylaryl$ would need to be substituted with $-CH_2OH$. Furthermore, with example 5-15 the alkyl portion of $C_{1-4}alkylaryl$ would need to be substituted with methyl. Thus, *e.g.*, NAKAMURA Examples 5-15 to 5-19 are excluded. Similarly, Claim 1 appears to exclude all of the NAKAMURA subject matter. Thus, NAKAMURA does not disclose the claimed invention.

For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the above, Applicants believe that the application is now in condition for allowance. The Examiner is welcome to call or otherwise contact the undersigned for any reason pertaining this application.

Respectfully submitted,

Date: July 9, 2010
OSI Pharmaceuticals, Inc.
420 Saw Mill River Road
Ardsley, NY 10502 USA

/Jeffrey M. McQuiston/
Jeffrey M. McQuiston
Agent for Applicants
Reg. No. 63,109
Tel: 914-231-8231
Fax: 877-612-8059